

REMARKS

Claims 1-6, 13-25, and 29-31 remain for reconsideration. Claims 7-12, 26-28, and 32-34 were previously cancelled without prejudice. Claims 1-6 and 13-20 have been withdrawn.

Applicant hereby provisionally elects the claims in Group II, containing claims 21-25 and 29-31 with traverse.

First, for a restriction requirement to be proper the Examiner must show distinctive inventions are being claimed as well as a serious burden on the Examiner if the application is not restricted. Here, Applicant believe there to be NO SERIOUS burden. This is evidenced by the fact that the Office has already issued and made final one restriction requirement in this case already.

Since that time, no claims have been added or subject matter amended or additional species added which would necessitate additional restriction. In fact, the Office has already issued one Office Action on the Merits wherein the Examiner searched all the claims he is now claiming are too burdensome to search.

Further, the Examiner has provided no reasonable reasoning or basis for the restriction. Indeed, he has not even identified claims, rather just restricted figures. This is vague and improper. His only reasoning appears to be stated as an “intermediate-final product relationship” Applicants are not clear what the Examiner means by this. He has restricted the application by indicating that Figures 1-5 are one species and Figures 6A-7D are another species. However, looking at these Figures it is unclear as to how one of these is intermediate and one is a final product. The Examiner is requested to explain which set of Figures he considers to be intermediate and which is the final product, if he maintains this requirement.

Finally, the burden on the Applicant is believed to outweigh any burden there may be on the Examiner to search the two embodiments of the invention, particularly since the searches would be co-extensive. Restriction would be unduly burdensome to Applicant, not only in time, but also in money, particularly considering that with the current maintenance fee schedule, each application will cost Applicant upwards of \$10,000 just to maintain over the life of the patent.

Considering these factors, it is respectfully submitted that the restriction requirement is improper since Groups I and II are indeed related.

Moreover, the Examiner is respectfully requested to weigh the great burden a restriction would have on Applicant and withdrawal the restriction requirement.

In view of the foregoing, it requested that restriction requirement be withdrawn, the application be reconsidered, that claims 1-6, 13-25, and 29-31 be allowed and that the application be passed to issue. Please charge any shortages and credit any overcharges to Intel's Deposit Account number 50-0221.

Respectfully submitted,

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